

MINUTES
Town of Westfield Board of Adjustment
August 10, 2020

The Westfield Board of Adjustment met on Monday, August 10, 2020. Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice of this meeting was provided by posting on the public bulletin board and publication in the newspapers that have been designated to receive such notice: the Westfield Leader and the Star Ledger.

REGULAR MEETING:

Chairman Masciale opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL: Chris Masciale, Frank Fusaro, Michael Cohen, Carla Bonacci,
Matt Sontz, Allyson Hroblak, Sam Reisen, Mary Doyle
ABSENT: Eldy Pavon
ALSO PRESENT: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus,
Board Secretary

ADOPTION OF MINUTES:

Chairman Masciale called for a motion to adopt the minutes of the July 13, 2020, meeting. Frank Fusaro made a motion to adopt the minutes; Carla Bonacci seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Carla Bonacci,
Matt Sontz, Allyson Hroblak, Eldy Pavon, Sam Reisen, Mary Doyle
OPPOSED: None
ABSTAINED: None
ABSENT: Eldy Pavon

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Masciale called for a motion to adopt the following resolutions for the applications acted upon at the July 13, 2020, meeting:

Mark Dow, 247 Prospect Street, extension of time for one year, approved.

Frank Fusaro made a motion to adopt the resolution; Mary Doyle seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Carla Bonacci,
Matt Sontz, Allyson Hroblak, Sam Reisen, Mary Doyle

OPPOSED: None
 ABSTAINED: None
 ABSENT: Eldy Pavon

Motion carried.

Tamra & Tim Healey, 825 Standish Avenue, approved with conditions.

Frank Fusaro made a motion to adopt the resolution; Mary Doyle seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Carla Bonacci,
 Matt Sontz, Sam Reisen, Mary Doyle
 OPPOSED: Allyson Hroblak
 ABSTAINED: None
 ABSENT: Eldy Pavon

Daniel Josephs, 1032 Rahway Avenue, approved with conditions.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Carla Bonacci,
 Matt Sontz, Allyson Hroblak, Sam Reisen, Mary Doyle
 OPPOSED: None
 ABSTAINED: None
 ABSENT: Eldy Pavon

Motion carried.

Chairman Masciale stated that the vote of any Board Member on the full set of memorializing resolutions would not be construed to include participation by any member in voting on any resolution for which s/he did not vote, nor did not vote in favor of the action taken by the Board (pursuant to N.J.S. §40:55D-10g).

Chairman Masciale made an announcement that the following applications have been carried to the September 14, 2020 meeting:

Matthew Ceberio, 415 East Dudley Avenue
Ethan Blumenfeld & Lori Guistiniani, 26 Fairhill Road

CARRIED FROM JULY 13, 2020:

Rangan Gangavaram, 1020 Summit Avenue

2/28/2020

Applicant is seeking approval to construct an attached two car garage contrary to Section 11.07E7, 12.04F, 12.04E, 12.0F3 of the Land Use Ordinance. Ordinance requires a minimum rear yard setback of 35 feet. Proposed is 20 feet. Ordinance allows a maximum building coverage of 20%. Proposed is 23.36%. Ordinance allows a maximum floor area ratio of 32%. Proposed is 34.24%. Ordinance allows a maximum building coverage with a porch of 24%. Proposed 24.9%. **Application deemed complete on May 15, 2020. 120 day decision date is September 12, 2020.**

Chairman Masciale swore in Rangan Gangavaram and his architect, Greg Blasi (779 Carleton Road). The Board accepted Mr. Blasi's credentials as a licensed architect.

At the June 8, 2020 hearing, the Board advised the applicant that after a preliminary review of his application, it appears to be similar to one that was before the Board in 2013. Mr. Gangavaram was given the opportunity to revise his application as he is seeking similar relief for a two-car garage that was requested by a previous homeowner and was denied by the Board in 2013. Before the Board can hear the current application, they must decide if the application is significantly different that was previously denied. Mr. Blasi explained the revisions made to the plans since the June hearing. The plan is for a two-car garage with one garage door, and the revisions include a reduced building coverage, a reduced rear yard setback variance, and the f.a.r. has also been reduced. The variance for building coverage with a porch is no longer required. A one-car garage is required in the zone, but a two-car garage is proposed with one garage door, which is much more consistent with the other homes in the neighborhood. The scale and scope are smaller than what was proposed in 2013, as a mudroom was proposed in the original plan.

Mr. Gangavaram stated he has lived in the home for 3 years and has two small children. There is currently not any garage on the property so having a home that is functional with the necessary amenities is important. After the June meeting, the number of variances has been reduced from 4 to 3, and the numbers have been minimized. We are trying not to stand out from the other homes on the street, and took the feedback seriously from the Board. We tried to keep the garage functional while trying to reduce the variances.

The Board did not see the variance differentials between the 2013 application and what was currently being proposed. Although the mudroom was removed and the roofline was altered, which is different than the 2013 application, the request is for a two-car garage. The numbers were modified slightly, but there is an increase in the square footage over what was denied in 2013; the building coverage was 21.65% in 2013, and is currently proposed at 22.33%, which is getting larger, not smaller. Only a one car garage is required in the zone and would have been an option that could have been substantially different.

Chairman Masciale called for a motion. Michael Cohen made a motion that the application violates the principle of res judicata, and any further hearing of the application be denied; Matt Sontz seconded.

ALL IN FAVOR:	Chris Masciale, Frank Fusaro, Michael Cohen, Matt Sontz, Carla Bonacci
OPPOSED:	Mary Doyle, Allyson Hroblak
ABSTAINED:	Samuel Reisen
ABSENT:	Eldy Pavon

Motion carried.

John & Alison Flood, 745 Highland Avenue

2/24/2020

Applicants are proposing to renovate the side entryway and stoop, the basement entry, add paving stones, remodel the patio area, construct a pool house, inground pool and patio, and add fencing contrary to Section 12.04F1, 12.04G, 13.01C, 12.04F2 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 15% (4,000 square feet). Proposed is 14.6% (4,481 square feet). Ordinance allows maximum coverage by improvements of 30% (8,000 square feet). Proposed is 30% (9,207 square feet). Ordinance allows a maximum gross floor area for an accessory building of 750 square feet. Proposed is 1,198 square feet. Ordinance

requires a solid fence. Proposed is an open fence. **Application deemed complete on May 18, 2020. 120 day decision date is September 15, 2020.**

Stephen Hehl, Esq. (370 Chestnut Street, Union) appeared on behalf of the applicant. Mr. Hehl stated this an application to construct an inground pool, two patios, and a pool house. There is a 30% improvement coverage limitation which we comply with, but we are requesting a variance to exceed the maximum 8,000 square foot requirement. The applicant will be reducing the improvement coverage from what it is currently, 9,037 square feet, to 9,207 square feet. They are reducing the driveway by 2,153 square feet. A decorative open fence is being proposed with extensive landscaping, which the applicants feel is more attractive than a solid 6-foot fence. A catch basin has already been installed to mitigate any stormwater runoff.

Chairman Masciale swore in James Watson (328 Park Avenue, Scotch Plains). The Board accepted Mr. Watson's credentials as a licensed land surveyor.

Mr. Watson described the existing conditions on the property, and testified about the proposed improvements which include two patios at the rear of the house, a one-story pool house and decking, and an 800 square foot pool/spa. The variances being sought are for building coverage, improvement coverage, gross floor area for an accessory building, and open fencing. For the building coverage variance, we are under the 15% cap but over on square footage by 481 square feet. The improvement coverage is under the 30% cap, but is over on the square footage, 8,000 square feet is the maximum and 9,207 square feet is proposed. There are two additional variances being requested for the floor area of an accessory building, 750 square feet is allowed and we are proposing 1,198 square feet; and a solid fence is required and we are proposing open fencing. The existing conditions on the property include a total impervious coverage of 9,037 square feet. There is an oversized, three-car garage which takes up a significant portion of the lot, and a very large driveway that is 195 feet long. Approximately, 2,153 square feet of coverage will be removed from the property, the driveway will be reduced from 4,188 square feet to 2,052 square feet, and the ingress and egress platforms will be decreased from 135 square feet to 118 square feet. Despite the increase of 2,323 square feet in proposed improvements, there is only a 170 square foot net increase due to the removal of the impervious coverage in the driveway and ingress/egress walkways. There is already a stormwater management system in place which was installed when the house was renovated to control any runoff on the site, and all roof leaders and gutters are connected to that system.

Open to public questions. None. Closed to public questions.

Chairman Masciale swore in Hildie Lazar (328 Park Avenue, Scotch Plains). The Board accepted Ms. Lazar's credentials as a licensed architect.

Ms. Lazar marked a 3D rendering of the pool house as Exhibit A-1. She stated the pool house is 488 square feet, and is a wood frame with hardie plank siding. It will have asphalt shingles and a copper gable dormer roof. We chose the pool house materials to match the materials of the house. There will be four panel sliding doors on the front of the pool house so when the sliders are open there will be an open feeling. The objective was to keep the pool house small but functional and it was designed to comfortably fit 6 people. The layout includes a lounge area, bathroom and shower, laundry room, kitchenette, and some shelving for storage. Ms. Lazar stated the lot is 30,718 square feet so the maximum f.a.r. allowed on the property is 7,679 square feet, and we are only at 6,234 square feet. The f.a.r. is 1,445 square feet under the maximum so a f.a.r. variance is not required. The building coverage is over what is allowed because of the oversized three car garage on the property; there was not any point in demolishing the well-maintained garage as it is already on the property and is functional. Ms. Lazar stated the garage

was looked into as being used as the pool house but the pool location would not have been in the middle of the yard. There was a desire to maintain open space in the yard.

Open to public questions. None. Closed to public questions.

Chairman Masciale swore in Steve Costalos (2470 Plainfield Avenue, Scotch Plains). Mr. Costalos stated the applicants wanted a landscaping plan that provides privacy and screening from the neighboring properties. The proposed fencing which is for aesthetics will conform with the NJ State Building Code, but not the solid fencing requirement which is required by the Ordinance. The landscaping at the right side of the property has already been installed; there are 12-14-foot trees on that side of the property. The back-property line screening has been already installed with Norway Spruce and the left side will have green giant arborvitaes planted. Also proposed are hydrangea, a hedgerow of boxwoods that will be 3 feet tall, and 15-20-foot trees around the patio.

Open to public questions. None. Closed to public questions.

Chairman Masciale announced the following applications have been carried to the September 14, 2020 meeting:

Kenneth Waddell, 106 Marion Avenue
Brad & Susan Schneider, 821 Bradford Avenue

Chairman Masciale swore in the applicants, John & Alison Flood. Ms. Flood stated when they purchased their home it hadn't been updated in quite a while so when we were doing the updates and were thinking about installing a pool in the future, we wanted to make sure we did not negatively impact the neighbors so we installed the catch basin to catch any potential runoff. We feel the decorative open fencing is more appropriate and the landscaping that is already planted and any future plantings will screen the pool and property.

Open to public questions. None. Closed to public questions.

Chairman Masciale swore in James Watson (328 Park Avenue, Scotch Plains). The Board accepted Mr. Watson's credentials as licensed planner.

Mr. Watson stated the applicants are eliminating paved areas and adding substantial landscaping so there is only 170 square feet of impervious coverage being proposed. Extensive renovations of the house have been completed and a stormwater management system was installed on the property. The plans show that we are more than adequately dealing with any potential runoff from the additional impervious coverage. The plan is well thought out and it is to scale. The variances can be granted under the C-2 criteria. The lot is oversized for the zone. Pools act as a detention system, and there will not be any runoff for the pool, which is a major consideration for impervious coverage requirements. All improvements meet the setback standards, everything is taking place in the rear yard; you will not see any change driving down the street and after the additional landscaping is planted you will not see any improvements; everything is well screened. The property will not be overcrowded and provides for remediation of the runoff. There is not a sense of overdevelopment on the lot, the f.a.r. is not being exceeded and is way under because of the removal of some existing pavement. Mr. Watson stated there will not be any substantial detriment to the master plan or zoning ordinance, and there will not be any adverse impact from the proposed project.

Open to public questions. None. Closed to public questions.

Open to public comments:

Steve Kocaj (755 Lawrence Avenue) stated the applicants have been very transparent, it is a great plan, and he supports the application. There are trees on his property and fencing that will screen his view of the applicant's property.

Elizabeth Lentis (810 Highland Avenue) stated the applicants are great neighbors and thoughtful about everything they have done on the property, and supports the application.

Michael Basta (827 Highland Avenue) stated he met with the applicants and had an opportunity to review the plans, and supports the application.

Closed to public comments.

The Board agreed the property owners made an effort to minimize or eliminate any potential runoff from the property by adding the enhanced landscaping and retention system. It has been established the proposed project does not overload the property and can handle what is proposed, and the applicant is removing some pavement to help reduce the coverage numbers. There was concern by Board members about the open fencing and the applicant not complying with the solid six-foot fence requirement. It would be inconsistent granting a variance for open fencing for this application when it has not been approved in past requests. Conditions to be imposed upon approval, the landscaping be maintained and a legend be provided on the plans for the type of landscaping to be planted, the pool house will not become habitable space, any necessary tests and drainage calculations shall be approved by the Township Engineer, the fencing to be installed complies with the zoning requirements of a solid fence for the pool house side, rear, and front of the property, and there will be compliance with code requirements for the railings on the patio.

The Board determined the application by taking two votes. The first vote was for all variances except for the fencing. The second vote is for the fencing only and was to allow an open fence only on the driveway side of the property.

Chairman Masciale called for a motion to approve all variances except the fence. Frank Fusaro made a motion to approve with the recommended conditions; Matt Sontz seconded.

ALL IN FAVOR:	Chris Masciale, Frank Fusaro, Michael Cohen, Matt Sontz, Allyson Hroblak, Mary Doyle
OPPOSED:	Carla Bonacci
ABSTAINED:	Samuel Reisen
ABSENT:	Eldy Pavon

Motion carried.

Chairman Masciale called for a motion for a solid fence that complies with the ordinance be installed along the left side, rear, and across the front, with the open fence only allowed on the right side. Frank Fusaro made a motion to approve; Matt Sontz seconded.

ALL IN FAVOR:	Chris Masciale, Frank Fusaro, Michael Cohen, Matt Sontz, Carla Bonacci Mary Doyle, Allyson Hroblak
OPPOSED:	None

ABSTAINED: Samuel Reisen
ABSENT: Eldy Pavon

Motion carried.

Application approved with conditions.

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:56pm.

Respectfully submitted,

Linda Jacus
Board Secretary